



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्रतिपक्षर से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 44] नई दिल्ली, शुक्रवार, दिसम्बर 29, 1989/पोष 8, 1911
No. 44] NEW DELHI, FRIDAY, DECEMBER 29, 1989/PAUSA 8, 1911

इस भाग में मिला पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 29th December, 1989:—

BILL No. 91 OF 1989

A Bill further to amend the Forest (Conservation) Act, 1980.

Be it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Forest (Conservation) Amendment Act, 1989.

Short
title and
commence-
ment.

(2) It shall come into force at once.

69 of 1980.

2. In section 2 of the Forest (Conservation) Act, 1980 (hereinafter referred to as the principal Act), for the *Explanation*, the following *Explanation* shall be substituted, namely:—

Amend-
ment of
section 2.

“Explanation.—For the purposes of this section ‘non-forest purposes’ means breaking up or clearing of any forest land or portion thereof for any purpose other than reafforestation and developmental purposes.”

3. In section 4 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

Amend-
ment of
section 4.

“(1) The Central Government may, by notification in the Official Gazette, in consultation with the respective State Governments, make rules for carrying out the provisions of this Act.”

Power to
make
rules.

STATEMENT OF OBJECTS AND REASONS

As per the provisions of the Forest (Conservation) Act, 1980, the developmental activities in the rural area, especially in Hilly areas, have come to a stand still. No new roads, water canals, etc. are being constructed after 1980-81. There is great resentment among the people regarding this Central Law. Therefore, the amendment of the Act is necessary in order to accelerate the progress of the country.

Hence this Bill.

NEW DELHI;
December 13, 1989.

HARISH RAWAT

BILL NO. 72 OF 1989

A Bill to provide for abolition of public and private schools in India.

BE it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Public and Private Schools (Abolition) Act, 1989.

(2) It extends to the whole of India.

(3) It shall come into force on such date, within one year of the date of assent to the Bill, as the Central Government may, by notification in the Official Gazette, appoint.

2. Notwithstanding anything contained in any other law for the time being in force,—

(i) every school run by the Central Government or by any State Government or by any semi-Government organisation or by any other organisation or by any individual, either aided by the Government or owned by it partially or in full, on public school education system; and

(ii) every school run by any private organisation or individual; is hereby abolished.

Short title, extent and commencement.

Abolition of public and private schools.

Ban on
recogni-
tion of
public
or
private
schools.

3. No public school or private school shall be recognised by the Government or by any agency or authority constituted by the Government for the purpose of granting recognition to schools.

Public
or
private
schools
certifi-
cates not
to be
recog-
nised.

4. No educational certificate awarded by a public school or a private school shall be recognised by the Government or any of its agencies or institutions, educational or otherwise, for any purpose including admission to colleges or other institutions of higher education, or for establishing eligibility to enter into Government service.

STATEMENT OF OBJECTS AND REASONS

Public schools are out of place in a modern democracy and particularly in India where about fifty per cent. of its population is living below the poverty line. These schools are the pockets of the privileged and are fed by the children of the aristocrats who can afford expensive education for their children. It is the birth and not the worth that determines the admission of the children to these schools. It is an anachronism to have such bureaucratic schools in a country which is wedded to classless society and universalisation of education.

The public schools in India have not made any material contribution to the educational progress of the country because the number of children whom they cater is microscopic. On the other hand, these schools turn out potential brown sahebs who suffer from arrogance. The students from these schools consider themselves a privileged class meant to rule others. They are cut off from the main currents of life and never learn through education of the problems and needs of the lowest strata of Indian society. Parents send their wards to the public schools not because of good education being provided there, but because of the fact that this education will provide them with handsome opportunities of employment against millions of their compatriots. The boys of public schools are selected for an administrative job not because they are highly gifted and original in approach, but because they fulfil questionable requirements prescribed by various selection boards. In fact what the country needs today is not the administrators only, which we already have in plenty, but the scientists, thinkers, technologists, doctors and writers who can give new direction to our stereotyped modes of doing things.

The public schools are a British legacy which was transplanted on our soil to produce polished tools of bureaucracy to perpetuate the British Raj. The objective was to produce a special class of people who could disown themselves and could expect the modes of life of their foreign rulers. This class felt intoxicated by the very fact that they were educated in an environment which was cut off from the main currents of life. But free India needs people who will gradually learn through education the problems of the people and needs of that common man who is the last in the queue.

The provision of special education to a few is a great hurdle in creating national consciousness. All students must, therefore, receive education under similar living conditions so that a national consciousness is kindled in them. We need not copy Western countries in every thing, much less in education. We should develop a system of Indian education to produce citizens responsive to the needs and problems of the common man.

Public schools in India are creating a gap within the society, and day by day the gap is widening between the common man and the

affluent. Every person of the privileged class is anxious to get his kid admitted in a private school by paying huge sums which are demanded in the guise of donations. They charge exorbitant fees and expect the boys to be better dressed and the medium of teaching of all subjects is English. ~~Thereby they create communities of the affluent elites.~~ By destroying their own roots of origin the boys are alienated of their own ~~people and remains so for the rest of their lives.~~ It is precisely to avoid ~~turning out of alienated and rootless young men that parents in developed countries have shunned the idea of public schools system.~~ Yet in India, where we need consciousness to promote integration, the State ~~continues to tolerate and assist special schools which turn out only snobs.~~ The Government should, therefore, move fast in scrapping out the system of public school education.

The private schools are mushrooming everywhere in the country. These schools do not have proper facilities like laboratories, playgrounds, etc. The teachers employed in these schools are also not well qualified for the job. These schools do not contribute to the building of career of the students, but their sole aim is to earn money. Therefore, private schools run by individuals or organisations should also be abolished.

Hence this Bill.

NEW DELHI;

SAIF-UD-DIN SOZ

December 13, 1989

BILL NO. 79 OF 1989

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950.

BE it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 1989.

Short
title.

2. In the Constitution (Scheduled Castes) Order, 1950, in the Schedule, under the heading "PART IV—*Gujarat*".—

Amend-
ment,
of the
Schedule.

(i) in entry 4, for the words "Madig, Mochi," the word "Madig," shall be substituted;

(ii) after entry 21, the following entry shall be inserted, namely:—

"21A. Mochi (in Dangs district and Umbergaon taluk of Bulsar district)".

STATEMENT OF OBJECTS AND REASONS

Prior to the enforcement of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (108 of 1976), the 'Mochi' community in Gujarat was specified as a Scheduled Caste only in the Dangs district and Umbergaon taluka of the present Bulsar district and for the rest of the State, it was not listed as a Scheduled Caste. By the above Act, the area restrictions within a State have generally been removed and, as such, the "Mochi" community was declared as a Scheduled Caste for the whole of the State of Gujarat.

The removal of area restrictions in the case of Mochi community is not justified because this community has never suffered from any disability arising out of the practice of untouchability in any part of Gujarat State, except the Dangs district and Umbergaon taluka of the present Bulsar district. It may also be pointed out that Mochis elsewhere in the State being comparatively more advanced, are taking the benefits which ought to go to the members of this community residing in Dangs district and Umbergaon taluka. The present Bill, therefore, seeks to restore the position in respect of the Mochi community in the list of Scheduled Castes of Gujarat State which obtained prior to the enforcement of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976.

The proposed amendments in the list of Scheduled Castes will not affect the number of seats reserved for the Scheduled Castes either in the Lok Sabha or in the State Assembly and, therefore, no provision has been included in the Bill to re-estimate the population of the Scheduled Castes and to re-allocate the reserved constituencies.

NEW DELHI;

December 14, 1989.

CHAVDA KHEMCHANDBHAI

BILL No. 86 OF 1989

A Bill to provide for a comprehensive Crop Insurance Scheme and for matters connected therewith.

Enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Crop Insurance Scheme Act, 1989.

Short title
and com-
mence-
ments.

(2) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,—

Defini-
tions.

(a) "authority" means an authority constituted under section 5;

(b) "crop" means and includes paddy, wheat, gram, barley, millet, corn, potato, pulses, sugarcane, orchards, cotton, tobacco and

such other agricultural commodities which may be notified, from time to time, by the Central Government in the Official Gazette.

Crop
Insurance
Scheme.

3. (1) The Central Government shall frame a Crop Insurance Scheme for compulsory insurance of crops.

(2) The scheme shall, *inter-alia*, provide for the following, namely:—

(a) the terms and conditions of crops insurance;

(b) the extent to which the insurance loss may be covered;

(c) rate of premium to be paid by the farmers.

Scheme
to be
adminis-
tered by
the
Central
Govern-
ment.

4. (1) The Central Government shall administer the scheme:

(2) It shall be the responsibility of the Central Government to pay the insurance amount to the farmers for the loss of crop suffered by them due to any natural calamity.

(3) After taking into account the premium received from the farmers for insurance of their crops, the Central Government shall contribute two-third of the amount paid to the farmers as insurance amount due to loss of their crops in a financial year and the remaining one third shall be contributed equally by the State Governments.

Authority
to assess
loss due to
natural
calamities.

5. (1) An authority shall be constituted in every district to assess the loss suffered by the farmers due to any natural calamity.

(2) The authority shall consist of a Chairman, to be appointed by the Central Government, and such other officers and staff as may be required for carrying out the purposes of the Act.

Represent-
atives of
farmers to
be associa-
ted with
assess-
ment
of loss.

6. The authority shall associate representatives of farmers of the area at the time of assessment of loss suffered by the farmers of the area.

Special
provision
for
orchards.

7. In case of orchards, if there is a loss of the fruit bearing tree in any natural calamity, the authority, while calculating the loss suffered by a farmer, shall also take into account the cost incurred on the upbringing of the fruit tree.

Power to
make
rules.

8. The Central Government shall make rules for carrying out the purposes of the Act.

STATEMENT OF OBJECTS AND REASONS

India is primarily an agricultural based country. The whole economy of the country depends upon the well being of farmers and on agricultural produce. As the agriculture is based on monsoon there is always a position of uncertainty as to the quantity of foodgrains which will be produced. Eventhough our development schemes, increased irrigation facilities, small and big dams, fertilizers, better seeds and our agricultural research centres and agricultural scientists have helped in increasing the food production, our agriculture is still primarily based on monsoon. New methods and latest machines are not being used for increasing the food production. In these circumstances the absence of a compulsory insurance scheme for crops is a misfortune. This scheme has been started in some areas but its impact is not seen all over the country. Therefore, there is need for starting a comprehensive crop insurance scheme.

Hence this Bill.

NEW DELHI;

N. G. RANGA

December 15, 1989.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for framing of a crop insurance scheme. Clause 4(1) provides that the Central Government shall administer the scheme. Clause 4(2) provides that it shall be the responsibility of the Central Government to pay to the farmers the insurance amount due to loss of crops by natural calamities. Clause 4(3) provides that after taking into account the premium received from the farmers for insurance of their crops, the Central Government shall contribute two-third of the amount paid to the farmers as insurance amount due to loss of their crops in a financial year and the remaining one-third shall be contributed equally by the State Governments. Clause 5(1) provides for the constitution of an authority. Clause 5(2) provides that the authority shall consist of a Chairman and such other officers and staff as may be required for carrying out the purposes of the Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred crores per annum.

It is also likely to involve a non-recurring expenditure of about rupees fifty lakhs.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 93 OF 1989

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1989.

Short
title and
commen-
cement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. After article 19 of the Constitution, the following article shall be inserted, namely:—

Insertion
of new
article
19A.

“19A. (1) Every citizen shall be entitled to have full and complete information regarding the affairs of the State and official acts of those who represent them as public officials and employees.

Right to
informa-
tion.

(2) Nothing in this article shall prevent the State from making any law, from time to time, prescribing the types of information which may need protection from disclosure.”

STATEMENT OF OBJECTS AND REASONS

Innumerable instances can be given where even most trivial matters are treated as secret and confidential which do not serve any interest of the nation except perhaps saving the Government from embarrassment. The reports of various enquiry committees and commissions (like plane crashes or accidents) are treated as secret. It may be recalled that even the recommendations of the Inter-Departmental Study Group set up by the Government in 1977 to look into the Official Secrets Act, 1913 have been treated as confidential. The then Home Minister Shri H. M. Patel stated in Lok Sabha in July, 1979 that it would not be in the "public interest" to disclose the recommendations of the Study Group.

Though openness is essential to the functioning of a democratic society, yet secrecy also bears the same quality so as to protect certain vital national interests and for a few other reasons. A proper balance has to be made between the needs of openness and the requirements of secrecy, but this balance has to be tilted in favour of openness than it had been hitherto. In other words, till now secrecy was the rule rather than the exception, but this proposition has now to be reversed. The exceptions to openness should be well defined and formulated. The general and the vague expression "public interest" cannot be a ground for secrecy. It is essential to lay down more definite guidelines for exercising secrecy by the Government.

It is for this reason that right to information is sought to be made a fundamental right of the citizen. Of course, it is conceded that there will be certain documents which need protection and which cannot be revealed e.g. information prejudicial to the security of the State, information concerning defence or security of the nation, foreign relations, Cabinet proceedings and documents, etc. State should be empowered to make laws in which official documents which are to be kept secret shall be closely defined.

The Bill seeks to achieve this objective to some extent.

NEW DELHI;

CHITTA BASU

December 15, 1989.

BILL NO. 75 OF 1989

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1989.

Short
title.

2. For article 263 of the Constitution, the following article shall be substituted, namely :—

Substitu-
tion of
new arti-
cle for
article
263.

"263. (1) There shall be established an inter-State Council, charged with the duty of—

Provi-
sions
with res-
pect to
an inter-
State
Council.

(a) inquiring into and advising upon disputes which may have arisen between States;

(b) investigating and discussing subjects in which some or all of the States, or the Union and one or more of the States, have a common interest; or

(c) making recommendations upon any such subject and, in particular, recommendations for the better co-ordination of policy and action with respect to that subject.

(2) The Council shall consist of the Prime Minister, the Union Minister of Home Affairs and the Chief Ministers of the States.

(3) The Prime Minister shall be the Chairman of the Council.

(4) The Council may invite any other member of the Union Council of Ministers and an administrator of a Union Territory to the Council, whenever considered necessary.

(5) The Council shall meet at least once in a year and at any time at the request of the Chairman or of a Chief Minister of a State.

(6) The Council shall have a Secretary who shall be appointed by the President under his hand and seal on the advice of the Prime Minister in consultation with the Chief Ministers of the States.

(7) The term of office of the Secretary shall be five years.

(8) The other terms and conditions of service of the Secretary shall be such, as may be laid down by the Council.

(9) The Council shall frame an annual budget to which the Central Government and the Governments of States shall contribute equitably.

(10) The Council shall have the power to lay down its own procedure."

STATEMENT OF OBJECTS AND REASONS

Article 263 of the Constitution enjoins upon the President to set up an inter-State Council, for the purpose of co-ordination between States, if he is satisfied about the need for it. The article is interpreted as one of recommendatory nature and not of mandatory one. Relying on this interpretation, the Government have persistently refused to advise the President to set up such an inter-State Council as contemplated in the Constitution. As such, a Council has not yet been set up.

The Administrative Reforms Commission, although did not share the view of changing the Constitution for more harmonious relations between the Centre and the States, did recommend the use of this enabling provision to set up a Council. The recommendation, however, did not find favour with the Government presumably because of the interpretation referred to above.

In the changed political condition, particularly marked by the advent of multi-party polity, the need for a forum for mutual exchange of views on issues which concern the States as well as the Centre, is highly imperative. This Council cannot be brought into existence unless the provision is made mandatory.

Hence this Bill.

NEW DELHI;
December 15, 1989.

CHITTA BASU

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the establishment of an inter-State Council. The Council will have a Secretary and a Secretariat. There will be no expenditure from the Consolidated Fund of India in the case of the Members of the inter-State Council in as much as all of them will already be the functionaries of the Central or State Governments or of the Administrations of the Union territories, drawing their salaries and allowances from the respective Governments and the Union territories.

There will, however, be expenditure involved from the Consolidated Fund of India in respect of the office of the Secretary and his Secretariat. There is also a provision that the Union Government and Governments of the States shall contribute equally to the annual budget of the Council. The recurring expenditure on this account may, approximately, be of the order of rupees three lakhs per annum. There will also be involved a non-recurring expenditure of about rupees fifty thousand at the initial stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the proposed Bill provides for laying down by the Council the terms and conditions of the service of the Secretary to the inter-State Council sought to be established therein. Provision has also been sought to be made empowering the Council to lay down its own procedure. The matters with respect to which the Council will make rules are matters of details only. The delegation of legislative power, therefore, is of a normal character.

BILL NO. 92 OF 1989

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1989. Short title.
2. In the Constitution, after Part XI, the following Part shall be inserted, namely:— Insertion of new Part XIA.

“PART XIA

PLANNED DEVELOPMENT OF THE COUNTRY

263A. (1) The President shall constitute a National Development Council, hereinafter referred to as “Council”, with the Prime Minister as its Chairman. Constitution of National Development Councils.

(2) The Council shall consist of the Union Ministers of Finance and Planning, Chief Ministers of State/State Ministers of Finance or Economic Affairs and such number of eminent economists and financial and planning experts as the President may appoint to the Council from time to time.

263B. (1) Subject to the provisions of Parts III and IV of the Constitution, the Council shall prepare an Approach Document for National Development Plan for the development of the country as a whole for a period of five years or for such period as may be decided by the Council setting in broad terms the aims and objects of the Plan and laying down the guidelines for the Planning Commission constituted under article 263C. Functions of National Development Council.

(2) The Council shall from time to time make an appraisal of the progress achieved in the implementation of each stage of the Plan and issue guidelines to the Planning Commission for adjustment

of policies and measures that may appear to be necessary in the light of such appraisal to achieve the object as laid down in the Approach Document.

Constitu-
tion of
Planning
Commis-
sion.

263C. (1) The President shall constitute a Planning Commission with the Prime Minister as its Chairman.

(2) The Planning Commission, shall consist of the Union Ministers of Planning and Finance and eight other members to be appointed by the President from amongst the eminent economists and financial and planning experts.

(3) The Union Minister of Planning shall act as the Deputy Chairman of the Planning Commission.

Functions
of the
Plann-
ing Com-
mission.

263D. (1) The Planning Commission shall formulate a National Development Plan for a period of five years or for such period as may be decided by the Council for the effective and balanced utilisation of the country's resources and the Plan so formulated by the Planning Commission shall adhere to the Approach Document prepared by the Council.

(2) The National Development Plan so formulated by the Planning Commission shall be submitted to the National Development Council for their approval.

(3) The Planning Commission shall take steps for the implementation of the approved Plan in co-ordination with the concerned Ministries and Departments of the Central Government and the State Governments.

(4) The Planning Commission shall from time to time make appraisal of the progress achieved in the implementation of each stage of the Plan and shall recommend to the Council the objectives, policies and measures that may appear to be necessary in the light of such appraisal for achieving the aims and objectives as set down under clause (1) of article 263B.

(5) The Planning Commission shall make such interim recommendations as appear to it to be appropriate either for facilitating the discharge of the duties assigned to it by the Council or for taking into consideration the prevailing economic conditions, current policies, measures and development programmes, or for examining such specific problems as may be referred to it for advice by the Central Government or a State Government.

(6) The Planning Commission shall have the power to determine its procedure of work and shall have such other powers in the matter of performance of its functions as the Council may confer on it and shall be accountable to the Council for its performance.

(7) The Planning Commission shall have power to issue such directives to various Ministries and Departments of the Central Government and the State Governments as it may consider necessary to achieve the successful and effective implementation of the various stages of the National Development Plan."

STATEMENT OF OBJECTS AND REASONS

The need for economic co-ordination and planning to solve the complex and diverse problems facing our nation can hardly be over emphasised.

The National Development Council was envisaged as the highest policy making body on social and economic issue and the Planning Commission as an instrument to implement the Council's directions. But, unfortunately, both of them over the years have functioned in a manner entirely different from what was originally envisaged. The purposes for which they were designed have been practically defeated. The deliberations in the Council, which meets rather infrequently, are hardly different from mere rituals. Little scope exists in the meetings for any substantive deliberations on very vital economic issues facing the country at different points of time. Experience has shown that there have been long periods of hibernation, even when plans have run into serious difficulties because of inflation, shortage of resources, shrinkage of external aids and political instability in many parts of the country. Instead of deliberating on the policy issues and distortions of the plan strategy resulting in the dilution of the self-reliance, increasing regional imbalances, concentration of wealth in fewer hands and alarmingly widening disparities between income and assets of the vast multitudes and the tiny few. The only regular feature of the functioning of the National Development Council is to approve the draft plans, after they are finalised by the Centre ignoring the approaches and views of the State Governments. Whatever might be the trends of discussion in the National Development Council, the outcome is invariably the unanimous ratification of the plan size.

The Planning Commission has similarly been transformed into an appendage of the Union Government. It is devoid of authority, power and initiative. It has, therefore, failed to respond to the needs of the people and fulfil its assigned role.

The Planning Commission, an extra-constitutional body, has often tinkered with the overall size of the States' outlays and haggled over the annual plan and non-plan assistance and the proportions of loans and grants. But it has shown no interest in encouraging and helping them to draw up coherent plans with the aid of the expert State-level Planning machinery.

The situation may be remedied if the National Development Council and Planning Commission are made constitutional bodies with well defined composition and functions deriving their authority and powers from the Constitution itself. These bodies should be so designed as to make them nodal agencies between the Union and the States in matters relating to economic co-ordination and planning.

The Bill seeks to achieve these objectives.

NEW DELHI;
December 15, 1989.

CHITTA BASU

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the Constitution of National Development Council and Planning Commission which *inter alia* shall consist of eminent economists and financial and planning experts. Payments will have to be made to them in the form of travelling allowance, daily allowance, etc. when the meetings of the National Council and Planning Commission take place. The Bill, if enacted, will, therefore, involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten lakhs per annum.

It is also likely to involve a non-recurring expenditure of about rupees two lakhs.

BILL NO. 81 OF 1989

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1989. Short title.
2. After article 16 of the Constitution, the following article shall be inserted, namely:— Insertion of new article 16A.

“16A. All adult citizens shall have the right to work, that is to say, the right to guaranteed employment and payment for their work in accordance with its quantity and quality, so as to ensure them adequate means of livelihood.” Right to work.”

STATEMENT OF OBJECTS AND REASONS

Democracy without universal facility for education followed by total guarantee for employment is a farce. Any talk of liberty, freedom and democracy is an insult to those who do not have an opportunity to get employment after their education. Unemployment is increasing day by day in our country. The number of registered unemployed persons is almost three crores. Besides, there are crores of people who have not registered their names in the employment exchanges. This is causing erosion of moral values and frustration among the youth of our country. It seems the Government is not serious in taking effective measures to provide jobs to all unemployed. Though the right to work is mentioned in the Directive Principles, it remains outside the purview of the courts of law. If the right to work is made a Fundamental Right the person seeking employment unsuccessfully can seek the help of the courts of law to force the Government in providing job to him. Right to work as a fundamental right will give a new direction and responsibility to the Government to take all necessary measures to guarantee employment to the people. If the Government fails to provide employment, it should provide adequate compensation to the unemployed persons.

Hence this Bill.

NEW DELHI;

CHITTA BASU

December 15, 1989.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that all adult citizens shall have the right to work and payment for their work in accordance with its quantity and quality so as to ensure them adequate means of livelihood. The Central Government and State Governments shall have to take steps to provide employment to adult citizens who remain unemployed. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India in respect of Central Schemes and for providing of financial assistance to Union territories Governments. An annual recurring expenditure of about rupees two hundred crores is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crores is also likely to be involved.

BILL NO. 82 OF 1989

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

- | | |
|--|----------------------------|
| 1. This Act may be called the Constitution (Amendment) Act, 1989. | Short title. |
| 2. In the Preamble to the Constitution and thereafter wherever it occurs in the Constitution, for the word "India", the word "Hindustan" shall be substituted. | Amendment of the Preamble. |
| 3. In article 1 of the Constitution, the words "that is Bharat" shall be omitted. | Amendment of article 1 |

STATEMENT OF OBJECTS AND REASONS

Article 1 of the Constitution states that 'India, that is Bharat' shall be a Union of States and territories as specified in the First Schedule. Although in the distant past this ancient motherland of ours was known as Bharat, the erstwhile foreign rulers of the country, the imperialist British, named the country as "India". But the common man in the country knows it as "Hindustan". Even the great Urdu poet Iqbal in his famous and melodious poem "Sare Jahan Se Achchha" uses the term "Hindustan" for the motherland. It is also observed that during the last 40 years some State Undertakings/Enterprises have in their name the expression 'Hindustan' such as Hindustan Shipyard, Hindustan Aeronautics, Hindustan Anti-biotics and so on. Now after 40 years of the existence of our Sovereign, Socialist, Secular, Democratic Republic a significant stage has reached where the Republic should be named as 'Hindustan'. The present Bill seeks to amend the Constitution for the purpose.

NEW DELHI;
December 16, 1989.

RAM NAIK

BILL No. 89 OF 1989

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1989.

(2) It shall come into force—

(i) in the Union territories within a period of three months from the date on which it receives the assent of the President, and

(ii) in the States on such dates as the respective State Governments may, by notification in their Official Gazettes, appoint, but such date shall not be later than six months from the date of the assent of the President.

2. After article 23 of the Constitution, the following new articles shall be inserted, namely:—

"23A. (1) All citizens shall have the right to work and shall be entitled to adequate means of livelihood.

(2) Failing to procure such means as—referred to in clause (1), every citizen shall be entitled to an unemployment allowance to be paid by the State.

Short
title
and Com-
mence-
ment.

Insertion
of new
articles
23A, 23B
and 23C.

Right to
employ-
ment.

Right to
free and
compul-
sory edu-
cation.

.. 23B. (1) All children until they complete the age of fourteen years shall have the right to free education.

(2) Education shall be compulsory for all children until they have completed the age of fourteen years.

Monetary
assis-
tance to
old, sick
and dis-
abled.

23C. The State shall provide monetary assistance to every citizen who has completed the age of sixty years or is permanently incapacitated or disabled:

Provided that an income tax payee or a person drawing pension from whatever source shall not be entitled for such monetary assistance.

STATEMENT OF OBJECTS AND REASONS

Article 39 of the Constitution states among other things, "The State shall, in particular, direct its policy towards securing—(a) that the citizens, men and women equally, have the right to an adequate means of livelihood." Article 41 of the Constitution enjoins upon the State to make effective provision for securing the right to work, to education and to public assistance in case of unemployment, old age, sickness and disablement. Similarly, article 45 of the Constitution enjoins upon the State to provide for free and compulsory education for all children until they complete the age of fourteen years.

But these rights are only in the nature of Directive Principles of States Policy. They are not justiciable and there is no legal sanction behind them. The focal point of the State activity, in the economic sphere, ought to have been the achievement of these objectives. The measures taken to combat unemployment have proved far from effective. Employment has become every one's birthright in Swaraj. Nothing can shake our peoples' faith in the democratic system than the nation's failure to provide employment to all able bodied citizens.

The State cannot, in fairness and good conscience, by its neglect, in action or omission allow the dilution or diminution of Directive Principles which it has been directed to preserve and forbidden to infringe.

The Bill seeks to give legal effect to what is contained in articles 41 and 45 and make these rights justiciable and Fundamental Rights. Unless these rights are clothed with legal sanction, they will remain nugatory and of no significance as hitherto they have been.

Hence this Bill.

NEW DELHI;

YAMUNA PRASAD SHASTRI

December 18, 1989.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for adequate means of livelihood, failing to procure such means of livelihood, every citizen shall be entitled to an unemployment allowance. Besides, assistance is to be given to every citizen who has completed the age of sixty years or is permanently incapacitated or disabled.

There are 36 million job seekers on the live register of employment exchanges.

According to the statistics 5.2 per cent of the population is aged 60 years and over.

Therefore, there is a need for provision for expenditure on these accounts. The total estimated expenditure on the unemployment allowance will come to about Rs. 1600 crores annually. The expenditure over the assistance to be provided to the old citizens in their bad days is estimated to be Rs. 400 crores.

Besides, clause 2 also provides for free education to the children who are below the age of fourteen. The Central Government will have to make some grants towards this to assist States in these programmes. Such expenditure is estimated to be Rs. 50 crores.

There is no non-recurring expenditure involved in the Bill.

It is not possible to give precise details of the total expenditure involved at this time.

BILL No. 87 OF 1989

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

- | | |
|---|---------------------------|
| 1. This Act may be called the Constitution (Amendment) Act, 1989. | Short title. |
| 2. In article 84 of the Constitution, in clause (b), for the words "twenty-five years of age", the words "twenty-two years of age" shall be substituted. | Amendment of article 84. |
| 3. In article 173 of the Constitution, in clause (b), for the words "twenty-five years of age", the words "twenty-two years of age" shall be substituted. | Amendment of article 173. |

STATEMENT OF OBJECTS AND REASONS

Indian democracy has gained greater strength and acquired a broader base as a result of the lowering of the voting age to eighteen years. This was a step of momentous importance as it enabled millions of our youth to directly participate in the task of choosing their Government. No less important is the need to reduce the qualifying age to become legislators. When the voting age has been reduced to eighteen it is only logical that the minimum age to become a member of the Lok Sabha or a Legislative Assembly should also be reduced accordingly. This will enable our youth to directly participate in the governance of the country. This Bill, therefore, seeks to reduce the minimum age to become a member of the Lok Sabha or a Legislative Assembly from twenty-five to twenty-two years.

NEW DELHI;

MULLAPPALLY RAMACHANDRAN

December 18, 1989

BILL NO. 90 OF 1989

A Bill to provide for the regulation of the prices charged for newspapers in relation to their pages and of matters connected therewith for the purpose of preventing unfair competition among newspapers so that newspapers may have fuller opportunities of freedom of expression.

BE it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Newspapers (Price and Page) Act, 1989.

Short
title and
extent.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. In this Act, unless the context otherwise requires,—

Defini-
tions.

(a) 'daily newspaper' means a newspaper which is published on not less than six days in a week and includes any supplement or special edition of such newspaper;

(b) 'newspaper' means any printed periodical work containing public news or comments on public news appearing at intervals of not more than a week.

Power to regulate prices and pages of newspapers, etc.

3. (1) If the Central Government is of opinion that for the purpose of preventing unfair competition among newspapers so that newspapers generally and, in particular, newspapers with smaller resources and those published in Indian languages may have fuller opportunities of freedom of expression, it is necessary or expedient so to do, the Central Government may, from time to time, by notification in the Official Gazette, make an order providing for the regulation of the prices charged for newspapers in relation to their maximum or minimum number of pages, sizes or areas and for the space to be allotted for advertising matter in relation to other matters therein.

(2) An order under this section—

(a) may be made in relation to newspapers generally or in relation to any class of newspapers;

(b) may contain different provisions for daily newspapers and newspapers appearing at other periodical intervals and for different classes of newspapers, and may, in particular, make separate provisions for weekly editions of daily newspapers whether appearing under the same title or not, and also for supplements or special editions of newspapers issued on special occasions;

(c) shall be made relatable to such period of time as the Central Government may deem reasonable;

(d) may provide for incidental or supplementary matters.

(3) An order under this section shall be made with due regard to the need for reasonable flexibility with reference to the fall of news, the flow of advertisements and other matters connected with the normal working of newspapers.

(4) Before making any order under this section, the Central Government shall consult association of publishers, and such publishers likely to be affected by the order as it may think fit with respect to the action proposed to be taken.

Prohibition of publication and sale of newspapers in contravention of order under section 3.

4. No newspaper shall be published or sold in the territories to which this Act extends in contravention of any of the provisions of an order made under section 3.

Returns to be furnished by newspapers.

5. For the purpose of verifying whether an order made under section 3 is being complied with or not, the Press Registrar appointed under the Press and Registration of Books Act, 1867, may, from time to time, direct the publisher of any newspaper to which such an order applies to furnish to him such weekly returns and statistics with respect to any of the particulars referred to in section 3 as the Press Registrar may, from time to time, require and the publisher of every newspaper shall comply with such direction.

6. (1) If any newspaper is published or sold in contravention of section 4, the publisher of the newspaper shall, on first conviction, be punishable with fine which may extend to five thousand rupees and on second or subsequent conviction, with fine which may extend to ten thousand rupees.

Penalties.

(2) If the publisher or any newspaper—

(a) refuses or neglects to comply with any direction of the Press Registrar given under section 5; or

(b) furnishes or causes to be furnished to the Press Registrar any weekly returns or statistics which he has reason to believe to be false,

he shall be punishable with fine which may extend to ten thousand rupees.

7. No court shall take cognizance of any offence punishable under this Act except upon a complaint in writing by the Press Registrar appointed under the Press and Registration of Books Act, 1867 or by any officer authorised by him in writing in this behalf.

Cogni-
zance of
offences.

STATEMENT OF OBJECTS AND REASONS

During the last few years there has been increase in the monopoly Press resulting in unfair competition which is severely affecting small newspapers. The rise of the monopoly Press has substantially curbed the freedom of expression of small newspapers. It is therefore necessary to prevent unfair competition among newspapers. The Bill seeks to regulate prices charged for newspapers in relation to their pages. Similar enactment was struck down by the Supreme Court in *Sakal Papers Private Limited versus Union of India* (AIR 1962 Supreme Court p. 305). The Supreme Court has since then changed its view with regard to various provisions of the Constitution on the basis of which earlier legislation was struck down. This Bill will satisfy the long standing demand of small newspapers. It also seeks to implement the recommendation of the First Press Commission. The Bill is intended to achieve this objective.

NEW DELHI;

V. N. GADGIL.

December 14, 1989.

BILL No. 78 OF 1989

A Bill to provide for the establishment of a permanent Bench of the High Court at Bombay at Pune.

Be it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. This Act may be called the High Court at Bombay (Establishment of a Permanent Bench at Pune) Act, 1989.

Short
title.

2. There shall be established a permanent Bench of the High Court at Bombay at Pune and such Judges of the High Court at Bombay, being not less than three in number, as the Chief Justice of that High Court may, from time to time nominate, shall sit at Pune in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Ahmednagar, Dhulla, Nasik, Pune, Sangli, Solapur and Kolhapur.

Establish-
ment of a
Perma-
nent
Bench of
High
Court at
Bombay
at Pune.

STATEMENT OF OBJECTS AND REASONS

Maharashtra has one of the largest population among the States of the Indian Republic. There is need for locating a bench of the High Court at Bombay in the Western Maharashtra area of the State in the interest of administration of speedy and cheap justice and convenience of the litigant public. The Bill provides for the establishment of such a Bench at Pune.

NEW DELHI;

V. N. GADGIL

December 14, 1989.

BILL No. 83 OF 1989*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1989.
2. After article 16 of the Constitution, the following article shall be inserted, namely:—

“16A. (1) Every citizen, within the age limit of eighteen years to fifty years, shall have the right to work so as to provide him employment and remuneration therefor.”.

Short
title.

Insertion
of new
article

16A.
Right
to work.

STATEMENT OF OBJECTS AND REASONS

Unemployment is one of the biggest challenges that our country is facing today. About four crore unemployed persons are registered with the employment exchanges and an equally large number is unregistered. It is not only the uneducated and unskilled persons who are seeking employment but the skilled and educated ones are also without jobs. Unemployment is driving our youth to destructive channels. They are getting frustrated, instead of contributing their mite to the building of this great nation. Right to work is enshrined in the Directive Principles of the Constitution but it has not produced any result. Right to work should, therefore, be made a Fundamental Right, thereby providing an enforceable constitutional remedy to each citizen of the nation, within the age limit of eighteen to fifty years.

Hence this Bill.

NEW DELHI;

AMAR ROY PRADHAN

December 18, 1989.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that all citizens, within the age limit of eighteen years to fifty years, shall have the right to work. The Central Government and the Governments of the States shall, therefore, have to take steps to provide employment accordingly. It is estimated that an annual recurring expenditure of about rupees one thousand crores will have to be met from the Consolidated Fund of India for providing financial assistance to Governments of the States and Union territories for implementing the provisions of the Bill.

A non-recurring expenditure of about rupees twenty five crores is also likely to be involved.

SUBHASH C. KASHYAP,
Secretary-General.

